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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JAMES E. OAKLEY, II,

11 Petitioner,

No. CIV S-02-1205 MCE JFM P

12 vs.

13 M.C. KRAMER, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding pro se with an appeal before the United
17 States Court of Appeals for the Ninth Circuit. Petitioner has requested the appointment of
18 counsel. There currently exists no absolute right to appointment of counsel in habeas
19 proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C.
20 § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice
21 so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does
22 not find that the interests of justice would be served by the appointment of counsel at the present
23 time.

24 Petitioner also requests “the complete record on appeal.” (October 3, 2006
25 Request at 1.) Petitioner is advised that the district court record was transmitted to the appellate
26 court on September 19, 2006.

1 Accordingly, IT IS HEREBY ORDERED that petitioner's October 3, 2006
2 motion for appointment of counsel is denied without prejudice.¹

3 DATED: October 23, 2006.

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6 UNITED STATES MAGISTRATE JUDGE

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26 ¹ A review of the docket sheet for petitioner's case on appeal, 06-16737, reflects that
petitioner's October 11, 2006 motion for certificate of appealability and appointing counsel of record
is presently pending before the appellate court. (Id.)